

12/06/01

**OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))**



00909

jc927 U.S. PRO
10/004428
12/06/01

FOR DESIGN OR UTILITY APPLICATIONS
(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

☐ Continuation)
☒ Divisional) application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: 3761

Inventor(s): KWOK et al.

Examiner: A. Lewis

Parent Appl. No.:	09	566,806	Atty. Dkt.	P 282771	P020US5
	Series Code ↑	Serial No. ↑		New M#	Client Ref

Parent Filed: May 8, 2000

This Appln. Filed: December 6, 2001

Title: NASAL MASK CUSHION ASSEMBLY (as Amended)

Hon. Commissioner of Patents
Washington, DC 20231

Date: December 6, 2001
(Parent Matter No. 270883)

1A.

To effect the above-requested filing today:

1. Attached is a copy (which must be filed) of the prior application, including:

☒ Abstract

☒ Specification and claims (12 pages) (**must be attached**)

☒ Drawings (**must be attached if originally filed**): 2 sheet(s)/set: ☐ 1 set informal;
☒ Formal of size ☒ A4 ☐ 11"

1A. Always X one box, only:

(1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached

(2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. _____
3. _____
5. _____
7. _____
2. _____
4. _____
6. _____
8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. _____
3. _____
5. _____
7. _____
2. _____
4. _____
6. _____
8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Australia of _____ (country)
Application No. Filing Date Application No. Filing Date
(1) PO1265 07/26/1996 (2) _____
(3) _____ (4) _____
(5) _____ (6) _____

a. ☐ _____ (No.) Certified copy/copies attached.
b. ☒ Certified copy/copies previously filed on 10/29/97 in _____
U.S. Application No. 08/791,212, filed on 1/31/1997.
series code \uparrow \uparrow serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____
4(a). (a) ☐ Domestic priority is claimed from PCT/ _____ / _____, filed _____
(b) ☐ Benefit is claimed of Provisional Application No. 60/ _____, filed _____.

5. ☒ Assignee (optional) ResMed Limited

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Glenn J. Perry, Reg. No. 28,458

(Name and Reg. No.)
whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Paul T. Bowen, Reg. No. 38009 whose current address is as in item 8 below.

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 08/ 791,212 filed 1/31/1997 now U.S. Pat. 6,112,746
No. 09/ 566,806 filed 5/8/2000
No. / filed _____

No. PCT/ / filed _____, which designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status \rightarrow** ☒ is Not claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
☐ filed in above prior application
☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
(must be) ☐ was previously filed in that prior application (Check length of prior extension).
(X'd) ☐ is not necessary for copendency (**Double check** before X'ing this box).

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

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PAT-108CN 11/01